

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ENERGY WEST, INC. ) CASE NO. 1:09-cv-00591  
                      )  
Plaintiff,         ) JUDGE CHRISTOPHER A. BOYKO  
                      )  
                      )  
v.                    )  
                      ) NOTICE OF APPEARANCE<sup>1</sup>  
UNITED STATES POWER FUND, LP, et )  
al.                )  
                      )  
Defendants.

**TO THE CLERK OF COURT:**

Please note and, pursuant to the Local Rules, enter the appearance of Matthew T. Fitzsimmons (0013404), and R. Christopher Yingling (0066551), Nicola, Gudbranson & Cooper, LLC, Landmark Office Towers, Suite 1400, Republic Building, 25 W. Prospect Avenue, Cleveland, Ohio 44115, and Jerrol A. Crouter (Maine Bar No. 2930) and Kim Pacelli (Maine Bar No. 4838), Drummond Woodsum & MacMahon, 84 Marginal Way, Suite 600,

---

<sup>1</sup> LBE files this Notice of Appearance without waiver, and with full reservation, of all rights to assert applicable defenses, including, without limitation, lack of in personam jurisdiction, improper venue, inconvenient forum, failure and/or inadequacy of service of process, or that the case should be transferred to another forum, i.e., the District of Maine, pursuant to 28 U.S.C. §§ 1404(a) and/or 1406.

Portland, Maine 04101-2480 as counsel of record for putative defendant Loring Bioenergy, LLC.

Request is further made that all notices, pleadings, and orders required to be given to parties be sent to the above-named counsel, including notice of any hearing on a Motion for a Temporary Restraining Order.

Dated: November 4, 2011

NICOLA, GUDBRANSON & COOPER, LLC

/s/ Matthew T. Fitzsimmons  
Matthew T. Fitzsimmons (0013404)  
R. Christopher Yingling (0066551)  
25 West Prospect Avenue, Suite 1400  
Cleveland, OH 44115  
(216) 621-7227  
(216) 621-3999 fax  
fitzsimmons@nicola.com  
yingling@nicola.com

DRUMMOND WOODSUM & MACMAHON

Jerrol A. Crouter (ME Bar No. 2930)  
Kim Pacelli (ME Bar No. 4838)  
84 Marginal Way, Suite 600  
Portland, ME 04101-2480  
Telephone (207) 772-1941  
Facsimile (207) 772-3627  
jcrouter@dwnlaw.com  
kpacelli@dwmlaw.com  
Pro Hac Vice Motions to be Submitted

*Attorneys for Loring Bioenergy, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2011, a copy of foregoing Notice of Appearance was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Matthew T. Fitzsimmons  
Matthew T. Fitzsimmons

Attorney for  
Loring Bioenergy, LLC